उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(30)

मामला क्रमांक Cr. M.P. No. 214/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA, J.

APPLICANT Ramvilash aged about 47 years, S/o Kulpat Suryavanshi, R/o Kurssiya Colliery, Godripara, Azad Nagar, Ward No. 10, Chirmiri, Distt. Korea (CG)

VERSUS

NON-APPLICANTS

1. Kulpat, aged about 65 years, S/o Baisakhu
2. Roop Prakash aged about 16 years, S/o Kulpat
3. Kumari Khokhan Devi, aged about 10 years, D/o. Kulpat

No. 2 and 3 are minor through father and natural guardian Kulpat, S/o Baisakhu
All resident of village Bhaiso, Tahsil Pamgarh Distt. Janjgir Champa (CG)

4. Darasram, Aged About 45 Years, S/o Kulpat, R/o. Kurasiya Colliery, Godripara, Azad Nagar, Ward No. 10, Chirmiri, Distt Korea (CG)

(The complete address of non-applicants have been taken from trial Court order sheet dated 20-7-2004 Annexure A-1)

19-12-2007

Shri Ashok Swarnkar, Counsel for the petitioner.

Shri J.K. Shastri, Advocate, for the respondent No. 4.

None appears for other respondents.

Heard.

This petition under Section 482 of Cr.P.C. is directed against the judgment dated 18th January, 2007 passed by Additional Sessions Judge, Janjgir in Criminal Revision No. 78/2006 arising out of order dated 20-7-2004 passed in Misc. Criminal Case No. 98/2003 whereby both the Courts below have allowed the application for maintenance under Section 125 of Cr.P.C. of the respondent No. 1 Kulpat father of the present applicant and awarded maintenance at the rate of Rs. 1,200/- per month.

शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव —FS/59— 8/2007 —30,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(31)

मामला क्रमांक Cr. M. P. No. 214/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	The only grievance raised by the applicant in this petition is that the present petitioner as also the respondent No. 4 Darasram were made as non-applicants before the Judicial Magistrate First Class as both of them are sons of the non-applicant No. 1 Kulpat and maintenance was prayed from both of them however, the non-applicant No. 1 entered into some compromise with non-applicant No. 4 and in view of that compromise, non-applicant No. 1 Kulpat pressed his application for maintenance against the present applicant alone and the non-applicant No. 4 was absolved from his liability of maintaining his father, although both the Courts below ought to have saddled both the sons with the liability of maintaining their father. After going through the impugned order passed by both the Courts below, it is observed that the non-applicant No. 1 Kulpat was employee of South Eastern Coalfields Limited who was declared medically unfit and in his place, the present applicant was given employment by his employer. After going through the orders passed by both the Courts below, this Court is of the considered opinion that there is no illegality or infirmity in the impugned order warranting interference in exercise of inherent jurisdiction under Section 482 of Cr.P.C. The petition being devoid of substance is liable to be dismissed and it is hereby dismissed. Sd/- Dhirendra Mishra Judge	

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